



STAFF REPORT

DATE: 9/4/2018

REGULAR

ITEM #: 16

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: 3880 Laverne Avenue North Minor Subdivision Conditions Amendment
REVIEWED BY: Kristina Handt, City Administrator
Ben Prchal, City Planner

BACKGROUND:

On February 7, 2017, the City approved a minor subdivision of the property located at 3880 Laverne Avenue North. The subdivision resulted in converting one 3.22 acre property in to three parcels: one 2.06 acre parcel and two 0.58 acre parcels (PID#s 13.029.21.22.0024, 13.029.21.22.00025 and 13.029.21.22.0026). Since then, the City has purchased two of these parcels (PID#s 13.029.21.22.00025 and 13.029.21.22.0026) the property and has plans to convert the existing building in to a new City Hall with Fire Station. The previous conditions of approval required a shared access driveway. This will not be conducive to the plans to expand the current building in to a City Hall with Council chambers and fire station, while PID# 13.029.21.22.0024 is used as an insurance office. Additionally, there is a finding that it would be desirable for parking serving the two new uses in the new parcels be shared with the Brookfield II building if possible. Because of the anticipated parking needs of the new City Hall/Fire Station and insurance office, Staff no longer believes it would be desirable for the uses of these three parcels to share parking. Therefore, the City is requesting Council reconsider the finding regarding parking and the condition regarding shared access set forth in Resolution 2017-013.

ISSUE BEFORE COUNCIL:

The Council is respectfully requested to reconsider a finding regarding parking and the condition regarding shared access set forth in Resolution 2017-013.

PROPOSAL DETAILS/ANALYSIS:

Adopted Resolution Findings. The adopted Resolution 2017-013 set forth the following findings:

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's VMX – Village Mixed Use District.

3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.
4. The City finds that it would be desirable for parking serving the two new uses created by Parcel A and B as shown on the survey dated November 21, 2016 be shared with the Brookfield II building if possible.

Requested Amendment. Staff is proposing that finding #4 be removed.

- ~~4. The City finds that it would be desirable for parking serving the two new uses created by Parcel A and B as shown on the survey dated November 21, 2016 be shared with the Brookfield II building if possible.~~

Adopted Resolution Conditions. The adopted Resolution 2017-013 set forth the following conditions of approval:

- 1) The property shall be rezoned to Village Mixed Use – VMX.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4,500 per acre for the two new 0.58 acre parcels being created (\$5,220 total) prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a landscape plan, grading, erosion control, and other plans outlined herein prior to the commencement of any construction activity on the parcel.
- 4) The applicant must obtain all other necessary City, State and governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 5) Any plans for construction on the newly created parcels must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Village Mixed Use District.
- 6) Building setback locations are subject to City approval and must allow for planned street improvements.
- 7) Only one driveway access to 39th Street is permitted. Access may be combined or limited to only Parcel A or Parcel B.
- 8) 8-inch watermain stub and 8-inch sanitary sewer main stub shall be shown on the plans and approved by the City Engineer prior to commencement of construction activity to ensure that the building placement does not conflict with the ability of the stubs to service both parcels.
- 9) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.
- 10) Stormwater drainage patterns must be maintained as part of any site development.

- 11) Storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

Requested Amendment. Staff is proposing that the following condition be removed:

- ~~7) Only one driveway access to 39th Street is permitted. Access may be combined or limited to only Parcel A or Parcel B.~~

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Approve the requested amendments to Resolution 2017-013.
- Amend the proposed amendments to Resolution 2017-013 and adopt amendments as amended.
- Do not amend Resolution 2017-013.

RECOMMENDATION:

Staff respectfully requests that the Council approve an amendment to Resolution 2017-013, removing finding #4 and condition #7.

“Move to approve an amendment to Resolution 2017-013 removing finding #4 and condition #7.”

ATTACHMENTS:

- Amended Resolution 2017-013

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2017-013

*A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY LOCATED AT 3880 LAVERNE AVENUE NORTH*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, John J. Zignego, 3880 Laverne Avenue North, P, Lake Elmo, MN, (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide the property located at 3880 Laverne Avenue North in to three separate parcels in accordance with the certificate of survey dated November 21, 2016 and signed by Timothy J. Freeman, P.L.S., License #16989, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on January 9, 2017; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council for the February 7, 2017 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on February 7, 2017.

WHEREAS, the City Council re-reviewed the Applicant's Minor Subdivision request at a meeting held on September 4, 2018 to amend findings by removing finding #4 and to amend conditions by removing condition #7 from the previously-adopted Resolution 2017-017.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's VMX – Village Mixed Use District.

3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

- 1) The property shall be rezoned to Village Mixed Use – VMX.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4,500 per acre for the two new 0.58 acre parcels being created (\$5,220 total) prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a landscape plan, grading, erosion control, and other plans outlined herein prior to the commencement of any construction activity on the parcel.
- 4) The applicant must obtain all other necessary City, State and governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 5) Any plans for construction on the newly created parcels must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Village Mixed Use District.
- 6) Building setback locations are subject to City approval and must allow for planned street improvements.
- 8) 8-inch watermain stub and 8-inch sanitary sewer main stub shall be shown on the plans and approved by the City Engineer prior to commencement of construction activity to ensure that the building placement does not conflict with the ability of the stubs to service both parcels.
- 9) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.
- 10) Stormwater drainage patterns must be maintained as part of any site development.
- 11) Storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

Passed and duly adopted this 4th day of September 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk